

CITY OF CHARDON PLANNING COMMISSION

Meeting Minutes

January 28, 2025

Members Present:

Andrew Blackley, Chairman
Robert Emmons
Lene Hill
Dan Meleski

Dean Peska
Mary Jo Stark, Vice-Chairman
Colin Wantz

Members Absent

Also Present:

Ben Chojnacki, Law Director
Doug Courtney, City Engineer
Ryan Dudziak
Emily Gallo
Elizabeth Hagood
Lynn Harlan, D/4 Group
Kyle Martin, Councilman

Ken Pritt, Chardon Fire Inspector
Rebecca Repasky, Secretary
Jeremy Rosen, Ryan Homes
Allison Wilson, Geauga Maple Leaf
Steve Yaney, Community Development
Administrator

Mr. Blackley called the meeting to order at 6:30p.m. The Pledge of Allegiance was said.

Attendance roll was called. Mr. Blackley reminded all that were present to sign in and swore in City Staff.

Mr. Meleski made a motion to approve the November 26, 2024, meeting minutes. It was seconded by Mrs. Stark. Roll was called. The vote carried 7-0.

NEW BUSINESS

PC Case #25-005: Mr. Yaney explained the applicant, Frontier Land Group, is requesting Record Document approval for Maple Trace Planned Residential Development Phase 2B. Mr. Yaney said this is the dedication plat for the next nineteen (19) lots and Emerald Drive. Improvements are installed, inspected and approved by City Staff. Punch list items are taken care of; with the exception of sealing the control joints at the curbs and gutter; and install the roadway monumentation at the intersection of Emerald Drive both of which are temperature sensitive, therefore Staff requests a condition of a completion date by June 30, 2025. The transfer of the electrical service, transformers and street light poles have been completed and energized by the end of January.

Mrs. Hill made a motion to approve the Announcement of Decision and Recommend to City Council with the condition the temperature sensitive items be completed by June 30, 2025. It was seconded by Mrs. Stark. Roll was called. The vote carried 7-0.

PC Case #25-006: Mr. Yaney explained the applicant, Frontier Land Group is requesting an amendment to the Preliminary Plan approval to amend the propose replacing the playgroup in the common area with a 20'x20' pavilion. Mr. Yaney said this is coming back before Planning Commission because it is a change request to the approved preliminary plans and will need a recommendation to City Council. The pavilion will be Timber Ridge and have picnic tables underneath, and benches outside. Mr. Yaney said this is similar to the Woods of Burlington's pavilion. This request still meets the requirement with open fields and the walking trails.

Mr. Jeremy Rosen representing Ryan Homes was sworn in.

Mr. Rosen provided the Commission with a project update. Thirty-one (31) lots have been sold. Phase 3, with thirty-five (35) lots will start in April. Mr. Rosen said Ryan Homes is requesting this change because of liability of a playground. A playground will have continuous maintenance costs and more residents of Maple Trace could use a pavilion rather than a playground. He said they are trying to mitigate the potential issues of the playground in the future. Mr. Rosen said there will still be an open grassy area and connection to the walking trail. He said later on, the HOA can decide what to add or change to amenities. Mr. Rosen said once the last home is built, Ryan Homes leaves the community and responsibility/liability will be on the HOA.

Mr. Blackley pointed out there are already existing property owners there and asked Mr. Rosen if this change request has been approved by the HOA. Mr. Rosen said Ryan Homes still has Declare Rights and he does not think this is something that needs to be approved by the HOA. Ryan Homes is telling homeowners amenities are still coming, just not what is coming. Mr. Rosen added he was unaware that the approved preliminary plans showed a playground to be installed.

Mr. Blackley clarified the builder has current rights because the HOA has not been established. Mr. Rosen said correct and that the builder prefers to install a pavilion. Mr. Blackley added once the structure, and last home is done, the liability will then be to the HOA. Mr. Rosen said yes, and that they are guessing the future HOA will not want this liability. Mr. Blackley said his concern is that people bought lots with the understanding there was a playground being built. Mr. Blackley asked about the foundation to the pavilion. Mr. Rosen said a concrete pad and foundation installed with no lighting in the pavilion. Mr. Blackley suggested having electric feed to the pavilion.

Mr. Emmons asked for clarification regarding the letter from Mark Holz to Planning Commission stating “it will ultimately be the HOA being responsible for making the decision of what is installed”. Meaning, the HOA will be responsible for what Ryan Homes installs. Mr. Rosen said correct, the HOA would be responsible for the maintenance and upkeep of what Ryan Homes installs – it will become their liability, their maintenance. He said Ryan Homes is making a decision today what to install, but it will be the HOA to maintain going forward. Mr. Blackley read the letter out loud, dated January 13, 2025. Mr. Rosen pointed out that waiting until all the homeowners were in, to ask their input, would be a while from now. Mr. Wantz said he agrees with Mr. Blackley about homeowners thinking there was going to be getting a playground when they bought the lot. Mr. Wantz clarified that the approved preliminary plan that included a playground is a public record. Mr. Yaney said yes, but he is unsure what Ryan Homes is sharing with new homeowners. Mr. Wantz said he would like to have input and decisions from the homeowners.

Mrs. Stark said playground mulch needs a lot of maintenance and will be the responsibility of the HOA. She added playgrounds need continuous inspection and/or maintenance and she does not see the HOA doing that. Mr. Yaney added Woods of Burlington does have their playground checked and it was recently replaced. Mrs. Stark said if the pavilion moves forward, braces and truces attract bird messes – look at Lake Metroparks pavilions for inspiration. Mr. Blackley asked if the homeowners were assessed for the new playground. Mr. Yaney said the money was most likely in the capital reserve fund. Mr. Meleski added there is specific mulch depth that needs to be raked.

Mr. Ryan Dudziak, 211 High Fox Drive, was sworn in.

Mr. Dudziak said the budget for Maple Trace includes a playground. He said Ryan Homes presented the potential for a playground but it was not formally stated; but he was under the impression that there would be one. He said they are frustrated Ryan Homes did not ask the homeowners about this. He said he understands the safety issues but that will be on the homeowners. Mr. Yaney added that all amenities must be in and completed by Phase 3.

Ms. Elizabeth Hagood, 132 High Fox Drive, was sworn in.

Ms. Hagood said she does not have any children or grandchildren but would prefer a playground. She cautioned that a pavilion would attract campers and others outside the neighborhood. She said to release the playground liability to the HOA.

Mrs. Emily Gallo, 212 High Fox Drive, was sworn in.

Mrs. Gallo said they chose this lot because it was going to back up to the playground. She said a playground is a place to meet for all the neighborhood kids. She added she is disappointed that it was also said their walking path would connect to Woods of Burlington. Mr. Yaney said the Woods of Burlington HOA said 'no' to connecting the paths. Mrs. Gallo requested the presentation from Ryan Homes. She added a pavilion is a liability too. Mr. Yaney said he would make copies of the presentation for the Maple Trace homeowners to take with them.

Mrs. Stark said no one knows what the playground equipment was going to look like/include – so it could be anything.

Ms. Hagood reiterated this should be discussed between the homeowners and HOA because the homeowners are the ones paying.

Mr. Rosen said Ryan Homes is ready to construct an amenity now, but it is weather dependent. Mr. Yaney said the code requires it to be done before the final phase. Mr. Wantz asked when does it open to the residents and when does it pass to the HOA. Mr. Rosen said what opens depends on what is approved and when they can start; and he is not sure when everything is deeded over to the HOA but Ryan Homes wants all construction done first. Mr. Wantz said he sees this as Ryan Homes making a decision for the HOA, without the HOA's input and that is concerning to him. Mr. Rosen said his concern is the responsibility the HOA would have after Ryan Homes leaves.

Mrs. Hill asked if the playground comes before Planning Commission. Mr. Yaney said it will be presented at construction document time and the only thing Staff will look for is that the playground is commercial grade.

Mrs. Gallo asked how this process is going to go. Mr. Yaney explained during the PUD process, the developer presents their plan on how the property is going to be laid out, which is then reviewed what is in the code requirements. There has to be minimum active recreation space, and switching to a pavilion still meets that active recreation space. Mr. Yaney added tonight is only the recommendation to City Council and City Council either approves or denies this request. However, it will take a super-majority to overturn Planning Commission's recommendation. Or, Planning Commission can table the request. Mr. Chojnacki explained Planning Commission could make the decision to vote, but they do not have to. Mr. Chojnacki said the way this works is, Frontier Land Group is the property owner right now, and under the City of Chardon's code, they are permitted to develop their property through a process that requires City review and comment. Mr. Chojnacki said Planning Commission has thirteen (13) different criteria to look at when deciding whether to approve a development; if that gets approved, it goes to City Council. Mr. Chojnacki said that happened already and included the playground. Mr. Chojnacki said they are back starting this process over because the applicant received approval for those plans and now wants to amend those plans. The applicant is asking to amend those plans to Planning Commission then to City Council. Mrs. Stark asked if Planning Commission makes a vote tonight, can Ryan Homes meet with the HOA and then come to Council. Mr. Blackley said there are two (2) options to take. Tabling the request or making a recommendation to Council with the stipulation that the applicant must demonstrate they have met with the majority of the property owners and those property owners would prefer a pavilion. Mr. Meleski asked if an HOA has been established. Mr. Blackley said the homeowners in the audience are shaking their head 'no'. Mr. Chojnacki said to be clear, the developer has the right to ask for a change, and Planning Commission has the obligation to make a decision on what the code says. Mr. Chojnacki said Planning Commission has an applicant, and standards to apply. Mr. Chojnacki said he is hearing that there is concern

that the amended plan might not meet with what Planning Commission understood would be the criteria previously approved. Mr. Chojnacki said making a condition that the majority of homeowners are needed for a decision is unfair to the applicant. Mr. Chojnacki said tabling allows everyone to have a discussion and then come back.

Mr. Meleski made a motion to table this case. It was seconded by Mr. Peska. Roll was called. The vote carried 7-0.

PC Case #25-007: Mr. Yaney explained the applicant, Lynn Harlan from D4 Group, is requesting a variance to allow the installation of an overhead electric service line to serve the new Cider Mill Townhomes. Mr. Yaney said the proposal is to install a pole adjacent to an existing pole on the south side of Park Avenue. The need for this is because in that area the Illuminating Company only has 4800 volt service and they need it to be 7620 volt service. The transformer will go underground. This request is similar to the request granted for Starbucks. The City Engineer supports this work. There could be a similar issue for the future library.

Mr. Lynn Harlan was sworn in.

Mr. Harlan said this wasn't an issue when they took over the project from another developer and that developer never applied for electric service. In May of 2024, the engineers made him aware of the issue. The new design came in December, 2024.

Mr. Emmons said the only reasoning Planning Commission is approving this pole is because it is on the property and not the municipal right of way. Mr. Harlan said correct, it will be 6' onto their property. Mr. Emmons asked why the transformer cannot be mounted on the pole in the municipal right of way. Mr. Yaney said according to Dean Haynes of the Illuminating Company, that is not safe and there are too many wires on it now. Mr. Emmons asked what the cost is to D/4. Mr. Harlan said \$37,000.

Mr. Wantz asked if the City will be responsible for maintaining the street. Mr. Yaney said no, that will be a private drive.

Mr. Wantz made a motion to approve the Announcement of Decision with the condition this is only for the line in the application. It was seconded by Mr. Meleski. Roll was called. The vote carried 7-0.

OLD BUSINESS -none

OTHER BUSINESS

Mr. Yaney presented the Commission with the 2025 schedule.

EXECUTIVE SESSION – none.

ADJOURN

Mr. Meleski made a motion to adjourn the meeting. It was seconded by Mrs. Stark. The meeting was adjourned at 7:28 p.m.

Respectfully Submitted:

ANDREW BLACKLEY, CHAIRMAN

Rebecca Repasky, Secretary